

EXHIBIT A



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,487	08/21/2009	6505172	54848-5016-US	8473

70813	7590	10/23/2009
GOODWIN PROCTER LLP		
901 NEW YORK AVENUE, N.W.		
WASHINGTON, DC 20001		

EXAMINER	
POKRZYWA, JOSEPH R	

ART UNIT	PAPER NUMBER
3992	

MAIL DATE	DELIVERY MODE
10/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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95/000,487 US	08/21/09	6505172	54848-5016-

MORGAN, LEWIS & BOCKIUS, LLP(PA)
 2 PALO ALTO SQUARE
 3000 EL CAMINO REAL, SUITE 700
 PALO ALTO, CA 94306

EXAMINER

POKRZYWA, JOSEPH R.

ART UNIT

PAPER

3992

DATE MAILED:

10/23/09

INTER PARTES REEXAMINATION COMMUNICATION

BELOW/ATTACHED YOU WILL FIND A COMMUNICATION FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE OFFICIAL(S) IN CHARGE OF THE PRESENT REEXAMINATION PROCEEDING.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this communication.



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ORDER GRANTING/DENYING REQUEST FOR INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/000,487	6505172	
	Examiner	Art Unit	
	JOSEPH R. POKRZYWA	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

The request for *inter partes* reexamination has been considered. Identification of the claims, the references relied on, and the rationale supporting the determination are attached.

Attachment(s): ☐ PTO-892 ☒ PTO/SB/08 ☐ Other: _____

1. ☒ The request for *inter partes* reexamination is GRANTED.

☒ An Office action is attached with this order.

☐ An Office action will follow in due course.

2. ☐ The request for *inter partes* reexamination is DENIED.

This decision is not appealable. 35 U.S.C. 312(c). Requester may seek review of a denial by petition to the Director of the USPTO within ONE MONTH from the mailing date hereof. 37 CFR 1.927. EXTENSIONS OF TIME ONLY UNDER 37 CFR 1.183. In due course, a refund under 37 CFR 1.26(c) will be made to requester.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of this Order.

EXHIBIT B



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,487	08/21/2009	6505172	54848-5016-US	8473

70813	7590	10/23/2009
GOODWIN PROCTER LLP		
901 NEW YORK AVENUE, N.W.		
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EXAMINER	
POKRZYWA, JOSEPH R	

ART UNIT	PAPER NUMBER
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INTER PARTES REEXAMINATION COMMUNICATION

BELOW/ATTACHED YOU WILL FIND A COMMUNICATION FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE OFFICIAL(S) IN CHARGE OF THE PRESENT REEXAMINATION PROCEEDING.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this communication.

OFFICE ACTION IN INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/000,487	6505172	
	Examiner	Art Unit	
	JOSEPH R. POKRZYWA	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Responsive to the communication(s) filed by:

Patent Owner on _____

Third Party(ies) on 21 August 2009

RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

For Patent Owner's Response:

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

For Third Party Requester's Comments on the Patent Owner Response:

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892
2. ☒ Information Disclosure Citation, PTO/SB/08
3. ☐ _____

PART II. SUMMARY OF ACTION:

- 1a. ☒ Claims 1-5 are subject to reexamination.
- 1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled.
3. ☐ Claims _____ are confirmed. [Unamended patent claims]
4. ☐ Claims _____ are patentable. [Amended or new claims]
5. ☒ Claims 1-5 are rejected.
6. ☐ Claims _____ are objected to.
7. ☐ The drawings filed on _____ ☐ are acceptable ☐ are not acceptable.
8. ☐ The drawing correction request filed on _____ is: ☐ approved. ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has: ☐ been received. ☐ not been received. ☐ been filed in Application/Control No _____.
10. ☐ Other _____

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DETAILED ACTION

Reexamination

1. **Claims 1-5** of U.S. Patent Number 6,505,172 (hereafter the "172 Patent") are the subject of this *inter partes* reexamination.

Listing of Prior Art

2. In the Request for Reexamination dated 8/21/2009, the Third Party Requester alleges that the '172 Patent **claims 1-5** are unpatentable in light of the following references:

- a. U.S. Patent Number 6,963,551, issued to Doyle *et al.* (noted as the "Doyle '551 Patent");
- b. U.S. Patent Number 5,712,989, issued to Johnson *et al.* (noted as "the Johnson '989 Patent");
- c. "A Practical Guide to SABRE Reservations and Ticketing", written by Jeanne Semer-Purzycki, having a copyright date of 1992 (noted as the "SABRE Practical Guide");
- d. "Reservations and Ticketing with SABRE", written by Dennis Foster, having a copyright date of 1990 (noted as "Reservations and Ticketing");
- e. SABRE Total Access, 1993 (noted as "SABRE Total Access");
- f. SABRE Savvy 1993 (noted as "SABRE Savvy");

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- g. J-CON Manual, Volume 1, published by Cooperative Computing Incorporated, April 1994 (noted as the "J-CON Manual");
- h. "J-CON System User's Manual, Vol. 3, Part-Finder", published by Cooperative Computing Incorporated, being dated 1989 (noted as "Part-Finder");
- i. "J-CON RDB Guide", published by Cooperative Computing Incorporated, being dated March 1993 (noted as the "J-CON RDB Guide");
- j. "Gateway 2000/MRO Version Manual" published by TSA incorporated, being dated May 1991 (noted as the "Gateway 2000/MRO Version Manual");
- k. "TSA Gateway Purchasing Manual", dated December 1993 (noted as the "Gateway Purchasing Manual");
- l. "TSA Gateway Inventory Processes User Manual", dated December 1993 (noted as the "Gateway Inventory Process Manual);
- m. "Gateway The Newsletter for Purchasing Automation", Vol. 3, issue 1, Jan. 1991 (noted as the "Gateway Newsletter, January 1991");
- n. "Gateway The Newsletter for Purchasing Automation", Vol. 3, issue 2, Apr. 1991 (noted as the "Gateway Newsletter, April 1991");
- o. "The TSA Gateway DOS Product Overview", 1993 (noted as the "Gateway DOS Product Overview");
- p. Gateshow demonstration program screenshots, 1993 (noted as the "Gateshow screenshots"); and
- q. P.O. Writer Plus V.10 Manual, 1993 (noted as the "P.O. Writer Plus Manual").

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Ground's for Rejection

3. The grounds for rejection of claims 1-5 of the '172 Patent are as follows:

Grounds raised by the Third Party Requester:

Ground#1.

Claims 1-5 of the '172 Patent to be rejected under 35 U.S.C. 102(e) as being anticipated by the Doyle '551 Patent. This rejection of claims 1-5, as being anticipated by the Doyle '551 Patent, as proposed by the Third Party Requester, is adopted, for the reasons discussed below.

Ground#2.

Claims 1 and 3-5 of the '172 Patent to be rejected under 35 U.S.C. 102(e) as being anticipated by the Johnson '989 Patent. This rejection of claims 1 and 3-5, as being anticipated by the Johnson '989 Patent, as proposed by the Third Party Requester, is adopted, for the reasons discussed below.

Ground#3.

Claims 1-5 of the '172 Patent to be rejected under 35 U.S.C. 103(a) as being unpatentable over the SABRE Practical Guide in view of Reservations and Ticketing, and further in view of SABRE Total Access and SABRE Savvy. As further discussed below, and being subject in Ground #4 below, the primary reference of the SABRE Practical Guide can be interpreted to teach each of the limitations of claims 1-5. Thus, the proposed rejection of claims 1-5 under 35 U.S.C. 103(a) as being an obvious combination of the SABRE Practical Guide, in view of

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Reservations and Ticketing, and further in view of SABRE Total Access and SABRE Savvy, as proposed by the Third Party Requester, is not adopted.

Ground#4.

Claims 1-5 of the '172 Patent to be rejected under 35 U.S.C. 102(b) as being anticipated by the SABRE Practical Guide. This rejection of claims 1-5, as being anticipated by the SABRE Practical Guide, as proposed by the Third Party Requester, is adopted, for the reasons discussed below.

Ground#5.

Claims 1-5 of the '172 Patent to be rejected under 35 U.S.C. 103(a) as being unpatentable over the J-CON Manual in view of Part-Finder, and further in view of the J-CON RDB Guide. Upon review of these submitted references, the examiner notes that the primary reference of the J-CON Manual itself is seen to teach each of the claimed features of claims 1-5. Thus, a rejection of claims 1-5 follows below, as being anticipated by the J-CON Manual, noted as Ground #8. Therefore, this rejection under 35 U.S.C. 103(a), as being an obvious combination of the J-CON Manual in view of Part-Finder, and further in view of the J-CON RDB Guide, as proposed by the Third Party Requester, is not adopted, as specifically proposed.

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Ground#6.

Claims 1-5 of the '172 Patent to be rejected under 35 U.S.C. 103(a) as being unpatentable over the Gateway 2000/MRO Manual in view of the Gateway Purchasing Manual and the Gateway Inventory Processes User Manual, and further in view of the Gateway Newsletter, January 1991, the Gateway Newsletter, April 1991, the Gateway DOS Product Overview, and the Gateshow screenshots. Upon review of the submitted references, the examiner notes that the primary reference of the Gateway 2000/MRO Manual itself is seen to teach each of the claimed features of claims 1-5. Thus, a rejection of claims 1-5 follows below, as being anticipated by the Gateway 2000/MRO Manual, noted as Ground #9. Therefore, this rejection under 35 U.S.C. 103(a), as proposed by the Third Party Requester, as being an obvious combination of the Gateway 2000/MRO Manual in view of the Gateway Purchasing Manual and the Gateway Inventory Processes User Manual, and further in view of the Gateway Newsletter, January 1991, the Gateway Newsletter, April 1991, the Gateway DOS Product Overview, and the Gateshow screenshots, is not adopted, as proposed.

Ground#7.

Claims 1-5 of the '172 Patent to be rejected under 35 U.S.C. 102(b) as being anticipated by P.O. Writer Plus Manual. The examiner notes that the Third Party Requester cites portions of specific chapters in the manual regarding the different software modules. For instance, the Third Party Requester cites chapters having the heading "Purchase Orders", Inventory Control, and Requisitioning. Upon review of the references that comprise the P.O. Writer Plus Version 10 Manual, as a whole, the examiner notes that the reference titled the "P.O. Writer Plus Version

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10.0 Guided Tour”, having a copyright date of 1993 (hereafter the “P.O. Writer Plus Guided Tour”), summarizes each of the respective software modules, and is seen to contain a description of features that are found in the limitations of the current claim language. Thus, this reference of the P.O. Writer Plus Guided Tour, which is part of the P.O. Writer Plus Version 10 Manual, is specifically cited in a rejection below, as opposed to the separate software module descriptions discussed by the Third Party Requester. With this, this rejection of claims 1-5, as being anticipated by the P.O. Writer Plus Manual, as proposed by the Third Party Requester, is adopted, for the reasons discussed below.

Grounds raised by the examiner:

Ground#8.

Claims 1-5 of the ‘172 Patent to be rejected under 35 U.S.C. 102(e) as being anticipated by the J-CON Manual. As noted above, the J-CON Manual is the primary reference cited by the Third Party Requester in Ground #5 noted above. This rejection of claims 1-5, as being anticipated by the J-CON Manual, is adopted, for the reasons discussed below.

Ground#9.

Claims 1-5 of the ‘172 Patent to be rejected under 35 U.S.C. 102(b) as being anticipated by the Gateway 2000/MRO Manual. As noted above, the Gateway 2000/MRO Manual is the primary reference cited by the Third Party Requester in Ground #6 noted above. This rejection of claims 1-5, as being anticipated by the Gateway 2000/MRO Manual, is adopted, for the reasons discussed below.

EXHIBIT C



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/008,104	09/15/2006	6023683	64121.000014	2837

70813 7590 01/08/2009

GOODWIN PROCTER LLP
 901 NEW YORK AVENUE, N.W.
 WASHINGTON, DC 20001

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/08/2009

Please find below and/or attached an Office communication concerning this application or proceeding.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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CUPERTINO, CA 95014

MAILED

JAN 08 2009

CENTRAL REEXAMINATION UNIT

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/008,104.

PATENT NO. 6023683.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Office Action in Ex Parte Reexamination	Control No. 90/008,104	Patent Under Reexamination 6023683	
	Examiner JOSEPH R. POKRZYWA	Art Unit 3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

- a ☒ Responsive to the communication(s) filed on 29 May 2008. b ☒ This action is made FINAL.
c ☐ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892. 3. ☐ Interview Summary, PTO-474.
2. ☒ Information Disclosure Statement, ~~PTO/SB/08~~, PTO-1449 4. ☐ _____.

Part II SUMMARY OF ACTION

- 1a. ☒ Claims 26-45 are subject to reexamination.
1b. ☒ Claims 1-25 are not subject to reexamination.
2. ☐ Claims _____ have been canceled in the present reexamination proceeding.
3. ☐ Claims _____ are patentable and/or confirmed.
4. ☒ Claims 26-45 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ The drawings, filed on _____ are acceptable.
7. ☐ The proposed drawing correction, filed on _____ has been (7a) ☐ approved (7b) ☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have
 1 ☐ been received.
 2 ☐ not been received.
 3 ☐ been filed in Application No. _____.
 4 ☐ been filed in reexamination Control No. _____.
 5 ☐ been received by the International Bureau in PCT application No. _____.
 * See the attached detailed Office action for a list of the certified copies not received.
9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. ☐ Other: _____

cc: Requester (if third party requester)

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DETAILED ACTION

Brief Summary of Proceedings

1. Patent Owner's arguments were filed 5/29/08, in response to the Office action dated 2/29/08. Further, a Declaration of Brooks L. Hilliard was filed under 35 U.S.C. 1.132 by the Patent Owner on 5/29/08, whereby the Patent Owner's arguments take the position of the Declaration, asserting patentability of the claims and traversing the cited rejections in the Office action dated 2/29/08.
2. Claims 1-45 originally issued in U.S. Patent Number 6,023,683 ("the '683 Patent"), with claims 1-25 not being subject to the current reexamination proceeding. Thus, claims 26-45 are the current pending claims in the current reexamination proceeding.

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3. In the Office action dated 2/29/08, the claims were rejected as follows:

Claims 26-45 stand rejected under 35 U.S.C. 102(a) as being anticipated by “J-CON Manual, Volume 1”, authored by Cooperative Computing, Inc. (the “J-CON Manual”).

Claims 26-45 stand rejected under 35 U.S.C. 102(b) as being anticipated by “A Practical Guide to SABRE Reservations and Ticketing”, authored by Jeanne Semer-Purzycki (the “SABRE Guide”).

Claims 26-45 stand rejected under 35 U.S.C. 102 (a) as being anticipated by “P.O. Writer-Plus Guided Tour Version 10.0” from American Tech., Inc. (the “P.O. Writer Manual”).

Claims 26-45 stand rejected under 35 U.S.C. 102(b) as being anticipated by “Gateway 2000/MRO Version “from Technical Service Associates (the “Gateway 2000/MRO Manual”).

Information Disclosure Statement

4. The references listed in the Information Disclosure Statement submitted on 5/29/2008 have been considered by the examiner (see attached PTO-1449).

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Claim Rejections - 35 USC § 102

62. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

63. **Claims 26-45** are rejected under 35 U.S.C. 102(a) as being anticipated by “J-CON Manual, Volume 1”, authored by Cooperative Computing, Inc., having a date of April 1994, noted in the Request for Reexamination as Exhibit B-1 (hereafter “the J-CON Manual”).

Regarding **claim 26**, the J-CON Manual discloses a method comprising the steps of:
maintaining at least two product catalogs on a database containing data relating to items associated with the respective sources [see Ch.3, Sec.5, Page 1, whereby the PartFinder catalog includes at least two product catalogs from different manufacturers, see Ch.3, Sec.2, Page 11, being “Primary and Alternate Manufacturers”];

selecting the product catalogs to search [see Ch.3, Sec.2, Page 3, wherein “At “Subgroup”, choose one: Enter numbers for the subgroups you want. Result: J-CON marks each subline you selected with an “>”....”; also see Ch.3, Sec.2, Page 11, whereby “At the MANUFACTURERS field, enter the numbers of the manufacturers for which you want part information.”];

searching for matching items among the selected product catalogs [Ch.3, Sec.2, Page 1, wherein “When you look up a part with PartFinder, you specify its group and subgroup, as well as the vehicle's year, make, and model, J-CON then displays a list of possible parts and their prices for the customer. You select a part from the list and specify how many you want.” With

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64. **Claims 26-45** are rejected under 35 U.S.C. 102(b) as being anticipated by “A Practical Guide to SABRE Reservations and Ticketing”, authored by Jeanne Semer-Purzycki, having a copyright date of 1992 (hereafter “Practical Guide to SABRE”).

Regarding *claim 26*, Practical Guide to SABRE discloses a method comprising the steps of:

maintaining at least two product catalogs on a database containing data relating to items associated with the respective sources [see page 2, wherein “SABRE maintains a vast amount of current information. For example, it stores: Flight schedules for more than 680 worldwide carriers...Hotel descriptions and prices for more than 17,000 properties throughout the world”];

selecting the product catalogs to search [see page 51, wherein the teachings describe how to “Request specific carrier availability by specifying one or more airlines in the availability entry.”];

searching for matching items among the selected product catalogs [see pages 62-65, whereby specific carriers are selected between different city pairs, whereby the SABRE system inherently searches the catalogs, so as to display the best match];

building a requisition using data relating to selected matching items and their associated source(s) [whereby a PNR is built, as seen on page 7, “UNIT 1: Building the PNR”; also see pages 9-11, whereby on page 9, “any PNR must contain the following five mandatory fields...I Itinerary (at least one flight segment)”];

processing the requisition to generate one or more purchase orders for the selected matching items [see pages 15 and 16, whereby the PNR is stored, wherein “Ending a record

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65. **Claims 26-45** are rejected under 35 U.S.C. 102(a) as being anticipated by “P.O. Writer Plus Guided Tour Version 10.0”, from American Tech, Inc., copyright 1993 (hereafter “P.O. Writer Plus Guided Tour”).

Regarding *claim 26*, P.O. Writer Plus Guided Tour discloses a method comprising the steps of:

maintaining at least two product catalogs on a database containing data relating to items associated with the respective sources [see page 22, wherein “You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select.”; also see pages 45 and 46, wherein “For example, say you want to display all items in the Bayless Catalogue whose description starts with the letters “P”.”];

selecting the product catalogs to search [see page 131, wherein “Items from a specific catalog can be displayed by entering a Catalogue ID at the top of the screen.”];

searching for matching items among the selected product catalogs [see page 46, wherein “For example, say you want to display all items in the Bayless Catalogue whose description starts with the letters “P”.”; also see page 47, wherein “There are 3 items in the Bayless catalogue whose descriptions begin with the letter P.”];

building a requisition using data relating to selected matching items and their associated source(s) [see pages 47 and 48; also see pages 117-147];

processing the requisition to generate one or more purchase orders for the selected matching items [see page 49; also see pages 149-153, wherein on page 149, “The REQUISITIONING INTERFACE allows you to turn purchase Requisitions into Purchase Orders

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66. **Claims 26-45** are rejected under 35 U.S.C. 102(b) as being anticipated by “Gateway 2000/MRO Version”, from Technical Service Associates (TSA), dated May 1991 (hereafter “Gateway 2000/MRO”).

Regarding *claim 26*, Gateway 2000/MRO discloses a method comprising the steps of:
maintaining at least two product catalogs on a database containing data relating to items associated with the respective sources [see pages 4-18 and 4-19; also see page 15-42, wherein “The GATEWAY 2000/MRO ...System provides a capability to define and store vendor catalogues that can be used for selection during PO entry.”];

selecting the product catalogs to search [see pages 4-18 and 4-19, wherein “To select a catalog, move the lightbar to the desired catalog and press enter. The items listed in this catalog will be displayed for selection”];

searching for matching items among the selected product catalogs [see page 4-17, wherein “To perform a keyword search on stock items, press, F6 and enter the keyword or phrase. A list of all items containing the keyword will be displays. You can select an item from the list by positioning the lightbar to a desired item and pressing the enter key. The stock item will be moved into your requisition.”; also see page 4-18, wherein “To select items from a standard catalog, position the cursor at the beginning of a new line item description and press the F7 key. A list of pre-stored catalog names will be displayed.”];

building a requisition using data relating to selected matching items and their associated source(s) [see page 4-17, wherein “You can select an item from the list by positioning the

EXHIBIT D

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(Also referred to as FORM PTO-1465)

REQUEST FOR EX PARTE REEXAMINATION TRANSMITTAL FORM

Address to:

Mail Stop Ex Parte Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.: 16391.0001USRX

Date: November 12, 2009

1. ☒ This is a request for *ex parte* reexamination pursuant to 37 CFR 1.510 of patent number 6,055,516 issued April 25, 2000. The request is made by:

☐ patent owner.
☒ third party requester.
2. ☒ The name and address of the person requesting reexamination is:

Lawson Software, Inc.
380 St. Peter Street
St. Paul, Minnesota 55102
3. ☐ a. A check in the amount of \$_____ is enclosed to cover the reexamination fee, 37 CFR 1.20(c)(1);
☒ b. The Director is hereby authorized to charge the fee as set forth in 37 CFR 1.20(c)(1) to Deposit Account No. 13-2725; or
☐ c. Payment by credit card. Form PTO-2038 is attached.
4. ☒ Any refund should be made by ☐ check or ☒ credit to Deposit Account No. 13-2725 37 CFR 1.26(c). If payment is made by credit card, refund must be to credit card account.
5. ☒ A copy of the patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.510(b)(4)
6. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
☐ Landscape Table on CD
7. ☐ Nucleotide and/or Amino Acid Sequence Submission
If applicable, items a. – c. are required.
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM (2 copies) or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies
8. ☒ A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.
9. ☒ Reexamination of claim(s) 1-29 is requested.
10. ☒ A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO/SB/08, PTO-1449, or equivalent.
11. ☒ An English language translation of all necessary and pertinent non-English language patents and/or printed publications is included.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.510. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Mail Stop Ex Parte Reexam, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/57 (02-09)

Approved for use through 08/31/2010. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

12. ☒ The attached detailed request includes at least the following items:
- a. A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.510(b)(1)
 - b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR 1.510(b)(2).
13. ☐ A proposed amendment is included (only where the patent owner is the requester). 37 CFR 1.510(e)
14. ☒ a. It is certified that a copy of this request (if filed by other than the patent owner) has been served in its entirety on the patent owner as provided in 37 CFR 1.33(c).
The name and address of the party served and the date of service are:
Steve Cha, Cha & Reite, 210 Rt. 4 East Ste 103, Paramus, NJ 07652
ePlus, Inc., 13959 Dulles Technology Dr., Herndon, VA 20171
Jennifer Albert, Goodwin Procter, 901 New York Ave. NW, Washington, DC 20001
Date of Service: November 12, 2009; or
- ☐ b. A duplicate copy is enclosed because service on patent owner was not possible. An explanation of the efforts made to serve patent owner is attached. See MPEP 2220.

15. Correspondence Address: Direct all communications about the reexamination to:

☐ The address associated with Customer Number:

OR

☒ Firm or Individual Name Joshua P. Graham

Address

Merchant & Gould PC, 3200 IDS Center, 80 South Eighth StreetCity MinneapolisState MinnesotaZip 55402Country USATelephone 612-371-5233Email jgraham@merchantgould.com

16. ☐ The patent is currently the subject of the following concurrent proceeding(s):
- ☐ a. Copending reissue Application No. _____
 - ☐ b. Copending reexamination Control No. _____
 - ☐ c. Copending Interference No. _____
 - ☒ d. Copending litigation styled:
ePlus, Inc. v. Lawson Software, Inc., U.S. District Court for the
Eastern District of Virginia, Civil Action No. 3:09cv620(JRS)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038._____
Authorized SignatureJoshua P. Graham_____
Typed/Printed NameNovember 12, 2009

Date

59,777

Registration No.

☐ For Patent Owner Requester☒ For Third Party Requester

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re *Ex Parte* Reexamination of:

U.S. Patent No. 6,055,516

Inventors: Johnson *et al.*

Issue Date: April 25, 2000
Application No. 09/234,366
Filed: January 20, 1999

For: Electronic Sourcing System

Request for *Ex Parte* Reexamination
under 35 U.S.C. § 302 and
37 C.F.R. § 1.510

Mail Stop *Ex Parte* Reexamination
ATTN: Central Reexamination Unit
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DETAILED REQUEST FOR EX PARTE REEXAMINATION
OF U.S. PATENT NO. 6,055,516

In accordance with 35 U.S.C. § 302 and 37 C.F.R. § 1.510, *ex parte* reexamination of the U.S. Patent No. 6,055,516 ("the '516 Patent") (Exhibit A) is requested. As required, this request includes the following parts:

- (1) A statement pointing out each substantial new question of patentability based on prior patents and printed publications;
- (2) An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited prior art to every claim for which reexamination is requested;
- (3) A copy of every patent or printed publication relied upon or referred to in paragraph (b)(1) and (2) of this section accompanied by an English language translation of all the necessary and pertinent parts of any non-English language patent or printed publication;
- (4) A copy of the entire patent including the front face, drawings, and specification/claims (in double column format) for which reexamination is requested, and a copy of any disclaimer, certificate of correction, or reexamination certificate issued in the patent;

(5) A certification that a copy of the request filed by a person other than the patent owner has been served in its entirety on the patent owner at the address as provided for in § 1.33(c), including the name and address of the party served.

(1) Statement Pointing Out Each Substantial New Question of Patentability Based on Prior Patents and Printed Publications.

Requester states that all the claims of the '516 Patent are unpatentable over the following patents and printed publications, either alone or in combination with each other:

U.S. Patent No. 5,712,989 ("the '989 Patent");

U.S. Patent No. 5,319,542 ("the '542 Patent");

the P.O. Writer Plus V.10 Manual ("the P.O. Writer Manual");

A Practical Guide to SABRE Reservations and Ticketing ("the Practical Guide to SABRE");

the J-CON Manual;

the Gateway 2000/MRO Version ("the Gateway Manual"); and

the IBM Technical Viewer/2 General Information Manual ("the TV/2 Manual") & IBM Technical Viewer/2 brochure ("the TV/2 Brochure").

A. The '516 Patent

The '516 Patent is one of three domestic patents directed to the same general electronic sourcing system. The other two patents are U.S. Patent No. 6,023,683 ("the '683 Patent") (Exhibit B) and U.S. Patent No. 6,505,172 ("the '172 Patent") (Exhibit C). The '516 Patent is a continuation of the application that issued as the '683 Patent, and the '172 Patent is a division of the application that issued as the '516 Patent.

Both the '683 and '172 Patents are subject to reexamination. Claims 26-45 of the '683 Patent are subject to an *ex parte* reexamination (control no. 90/008,104). Each claim stands finally rejected. (Exhibit D, Final Rejection in the '683 Patent Reexamination). All five claims of the '172 Patent are subject to an *inter partes* reexamination (control no. 95/000,487). Each